

IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA
RAO

WRIT PETITION NO :20291 of 2007

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Dated: 24th September 2007.

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Between:

M/s. K.S.B.Wagtech Engineers, rep by its Proprietor,
Kokkonda Suresh Babu, S/o Laxminadhan, H.No.32-350,
N.F.C. Nagar, Hyderabad, Ranga Reddy District,
presently residing at H.No.6-4-608, Plot No.258, Phase-
IV, T.V.Colony, Vanasthalipuram, Hyderabad, rep by his
G.P.A. Kokkonda Laxmi, W/o K.Suresh Babu, aged 38
years.

..... PETITIONER

AND

Andhra Pradesh Industrial Infrastructure Corporation Ltd.,
Zonal Office, Industrial Park, Warangal, rep by its Zonal
Manager, A.P.I.I.C., Warangal, Warangal District and
another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY
RAMAMOHANA RAO

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W.P.NO.20291 OF 2007

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ORAL ORDER:

Heard Sri A. Prabhakar Rao for the writ petitioner and Sri K.V.Simhadri the learned Standing Counsel for the respondent-Corporation and with their consent I proceed to dispose of this writ petition at this stage.

It is the case of the writ petitioner that Plot No.8/B admeasuring 1,695 square meters at I.D.A., Bhongir, was allotted to him to enable him establish a mechanical engineering workshop thereat. Since, he had complied with the necessary and immediate requirements, a regular deed of sale was also executed by the respondent-Corporation in his favour on 23rd June 2004, but unfortunately, the petitioner has not taken any measures and steps for establishing the industry at Plot No.8/b of the I.D.A., Bhongir. This has forced the respondent-Corporation to pass orders on 29th August 2006 canceling the allotment made in his favour.

Now, through the impugned order dated

13th September 2007, the petitioner has been put on notice that the industrial plot in question will be resumed on 26th September 2007 at 4-00 pm, if he fails to surrender the vacant possession of the same by then.

Though the learned counsel for the petitioner has raised several contentions, which according to him, justify the action of the petitioner not establishing the industry at Plot No.8/B, but, nonetheless, the learned counsel would urge that if a time of six months is accorded to him, he will demonstrate his *bona fides* to the respondent-Corporation by establishing a mechanical engineering workshop on the site in question.

The anxiety of the respondent-Corporation in laying out and developing industrial estates was to secure rapid industrialization and, consequently, help in generating large amounts of employment. Due to the inordinate delay of the entrepreneurs establishing their industrial units on the land made available, the very object gets frustrated. In this sense, the Corporation has exhibited its honest intention of resuming the land in question, so as to make it available to some other genuinely interested industrial entrepreneur, who will come up with the industrial unit on it.

Since, the interests of the Corporation would lie

essentially in securing utilization of the industrial plot by way of establishing an industry thereon, I consider it appropriate to allow the writ petitioner to demonstrate his *bona fides* to the satisfaction of the respondent-Corporation within the next six months period, as the Corporation itself had shown such an attitude even after cancellation of his allotment. If the writ petitioner establishes a mechanical engineering workshop and commences its operations on or before 30th April 2007 on Plot No.8/B, I.D.A., Bhongir, the orders of cancellation dated

29th August 2006, would stand recalled and if for any reason he were to fail to do so before the deadline setout supra, the said orders of cancellation stand revived and the present impugned order, which enables the respondent-Corporation to resume the land in question, can be given effect to automatically without any further reference to this Court.

In the mean time, the petitioner will comply with all such requirements of the respondent-Corporation, such as, payment of penal charges for the delay in implementation of the industrial unit and so on, any time before 30th April 2007.

In view of what has been stated above, the impugned order dated 13th September 2007 will not be given effect to for the present by the respondent-Corporation.

With this, the writ petition stands disposed of at the stage of admission. No costs.

Nooty Ramamohana Rao, J

Note:
Issue copy in one week.
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24th September 2007.